IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 6153 OF 1989

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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M/S. ARUN PAPER PRODUCTS & ANR. - Petitioner(s)
Versus
THE KALUPUR COMMERCIAL COOPERATIVE BANK LIMITED & ORS. - Respondent(s)

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Appearance :

MR. P.M. RAVAL for Petitioner(s) : 1 - 2.
MR. RAJENDRA PATEL for Respondent(s) : 1.
RULE NOT RECD BACK for Respondent(s) : 2, 4 - 8.
RULE UNSERVED for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 17/06/2006

ORAL JUDGMENT

1. By way of this petition under Articles 226 and 227 of the Constitution of India, the petitioners original defendants, have challenged the legality and validity of the order passed in Lavad Case No.2014 of

1989 below Exh.6 as well as Mark-18 by the learned Member of the Registrar's Board of Nominees, Ahmedabad, by which the learned Board of Nominees has passed an order of attachment before judgement during the pendency of Lavad Case No.2014 of 1089.

2. By an Order dated 23rd August, 1989, while admitting the present Special Civil Application, the learned single Judge of this Court granted *ad interim* stay in terms of paragraph-8(B), that is, stay of the operation and implementation of the orders dated 13th July, 1989 and 2nd August, 1989, i.e. the order of attachment before judgement, and the same continues to be in operation.

3. Nothing is on record to suggest that whether the aforesaid Lavad Suit has been disposed of or not. Nobody is present on behalf of either party to apprise the Court with regard to the latest position of the Lavad Suit. Considering the above, the present Special Civil Application is disposed of by directing the learned Board of Nominees, Ahmedabad to decide and dispose of Lavad Case No.2014 of 1989, if not decided so far, as early as possible preferable within a period of six months from

the date of receipt of this order and until then, the parties are directed to maintain *status quo*. It is, however, made clear that this Court has not expressed any opinion on the merits of the case. Rule is discharged.

4. With the above directions, the present Special Civil Application is disposed of. Rule is discharged. *Ad interim* relief granted earlier shall stand vacated forthwith. No costs.

[M. R. Shah, J.]

*kamlesh**